

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: L. Brockunier et al.

Serial No. 10/508,898 ✓

Filed: September 23, 2004

For: BETA-AMINO HETEROCYCLIC DIPEPTIDYL  
PEPTIDASE INHIBITORS FOR THE TREATMENT OR  
PREVENTION OF DIABETES

Art Unit: TBA

Examiner: TBA

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97

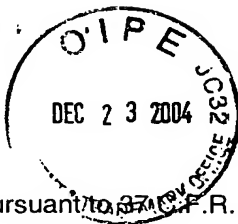
Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Christine Popovich Date 12/17/04



## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Philippe L. Durette

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 35,125

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-4568

Date: December 17, 2004

**COMPLETE UNKNOWN**

<b>Application Number</b>	10/508,898
<b>Filing Date</b>	September 23, 2004
<b>First Named Inventor</b>	L. Brockunier et al.
<b>Group Art Unit</b>	
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	21070YP

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of

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Attorney Docket Number 21070YP

[illegible][illegible]Date  
Considered

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## STATEMENT BY APPLICANT

**COMPLETE UNKNOWN**

<b>Application Number</b>	10/508,898
<b>Filing Date</b>	September 23, 2004
<b>First Named Inventor</b>	L. Brockunier et al.
Group Art Unit	
Examiner Name	
<b>Attorney Docket Number</b>	21070YP

Sheet

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of

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Attorney Docket Number 21070YP

**Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.**

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Novartis AG, "Novel N-substituted-2-cyanopyrrolidines as potent inhibitors of dipeptidyl peptidase IV in the treatment of non-insulin-dependent diabetes mellitus", Expert Opinion on Therapeutic Patents, 2000, pages 1937-1942, Vol. 10, Issue 12

Date  
Considered

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